

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: X

Case No.: 8-18-75742-ast

Kevin N. Colbert

Chapter 13

Debtor.

X

OBJECTION OF Shellpoint Mortgage Servicing, as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-10 TO DEBTOR'S CHAPTER 13 PLAN

AND NOW COMES, Shellpoint Mortgage Servicing, as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-10 ("Mortgagee") secured creditor and mortgage lien holder on the premises owned by Debtor and located at 293 Warren Street, Uniondale, NY 11553, by its attorneys, Pincus Law Group, PLLC, who hereby avers as follows:

1. Mortgagee is a secured creditor by way of a mortgage representing a lien on Debtor's real property as set forth above.
2. Debtor filed the instant Chapter 13 Petition on August 24, 2018.
3. Mortgagee will file a Proof of Claim on or before the bar date of November 2, 2018.
4. As of the date of the filing of the instant Chapter 13 petition, the Debtor had estimated mortgage arrears of \$237,391.64, and a contractual loan due date of June 1, 2011.
5. Debtor's proposed Chapter 13 Plan does not state the amount of arrears owed in Section 3.2 b of the Plan and fails to provide for payment of arrears and Plan fails to provide for

ongoing post-petition payments to Mortgagee. The Plan proposes to request Loss Mitigation which is speculative and the correct post-petition amount should be provided for in the amount requested by Chapter 13 Plan.

WHEREFORE, Shellpoint Mortgage Servicing, as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-10 respectfully requests that confirmation be denied and that Debtor be required to file an Amended Chapter 13 Plan inclusive of the correct amount of arrears and the correct ongoing post-petition payment due Mortgagee.

BY: /s/ Caryn Pincus
Caryn Pincus, Esq.
Pincus Law Group, PLLC
425 RXR Plaza
Uniondale, NY 11556
(516) 699-8902